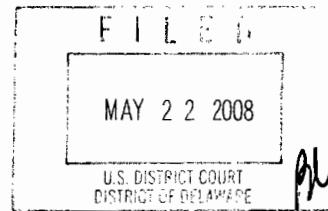


Inmate Harry J. Smith:  
SBI#154166:  
Delaware Correctional Ct,  
Smyrna, DE. D-West Unit,

Dear Office of the Clerk I am writing to you in reference to adding this Judge's Order document that is enclosed, to my default of Judgement motion, I sent the motion off a few days ago without attaching the order to the motion, so I would like for you to please put this document in my Federal Court files and forward it to Judge Joseph J. Farnan as soon as you get the time too do so, and I will very truly appreciate your consideration on this important matter, thank you very much for your assistance to me back in the past and presents. (Thank you)

from Inmate Harry J. Smith  
D.C.C. D-West Unit  
B-Tier, Cell-8  
Delaware Correctional Ct.  
Smyrna, DE. 19977



**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**  
**IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE	:
V.	:
HARRY J. SMITH,	:
	:
SBI: 00154166	:
DOB: 11/02/1959	: ID 9812014656
	: ID 83005854DI

**ORDER**

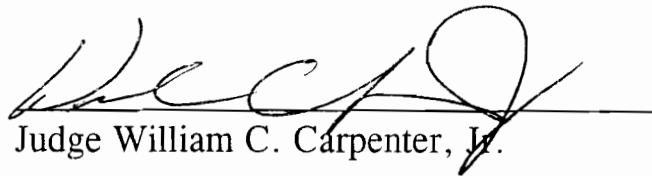
The Court having found that on January 19, 2000, the Honorable Richard Gebelein sentenced the defendant in Criminal ID No. 83005854DI for a violation of probation to a period of six years at Level 5 and on May 3, 2000 the Board of Parole violated the defendant's parole in the same case, and sentenced the defendant to serve the remaining period of two years, 4 months and 21 days of the original sentence imposed on October 26, 19~~94~~<sup>8</sup> by Judge Taylor and the Court finding that as a result, the following modification to the violation of probation sentence is warranted and the following is hereby ordered:

(A) The violation of probation sentence ordered on January 19, 2000 by Judge Gebelein is modified from six years at Level 5 to three years, seven months and nine days.

(B) The Board of Parole sentence imposed on May 3, 2000 for two years, four months, 21 days remains in effect and must continue to be served.

The effect of this order will require the defendant to serve six years at Level 5 regarding Criminal ID No. 83005854DI.

IT IS SO ORDERED this 29<sup>th</sup> day of December, 2006.



Judge William C. Carpenter, Jr.

*CA 07-408*SUPERIOR COURT  
OF THE  
STATE OF DELAWAREWILLIAM C. CARPENTER, JR.  
*JUDGE*NEW CASTLE COUNTY COURTHOUSE  
500 NORTH KING STREET, SUITE 10400  
WILMINGTON, DELAWARE 19801-3733  
TELEPHONE (302) 255-0670

December 29, 2006

Harry J. Smith  
Delaware Correctional Center  
Smyrna, DE

RE: State v. Harry J. Smith  
ID No. 9611016048 and 83005854DI

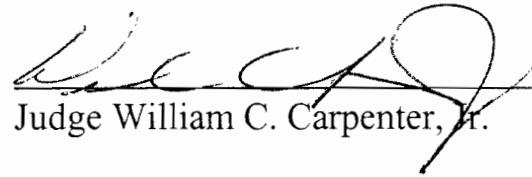
Dear Mr. Smith:

The Court is in receipt of your Motion to Correct Sentence filed with the Prothonotary on September 26, 2006. As best the Court can understand, your complaint centers around case number 83005854DI in which on January 19, 2000, Judge Gebelein sentenced you to six years of incarceration. It then appears that on May 3, 2000 the Parole Board violated your parole status and sentenced you to serve the remaining balance of the sentence given to you by Judge Taylor on October 26, 1984, which was two years, 4 months and 21 days.

While it is difficult to understand exactly how this happened since the case is so old, it does appear that Judge Gebelein violated your probation on the same criminal action on which the Board of Parole violated your parole status. While this is legally possible and perhaps even permissible, it would be a very unusual circumstance and I believe unfair. As a result, the Court is going to modify the sentence Judge Gebelein gave you in ID No. 83005854DI to 3 years, 7 months and 9 days. In essence, the Court has done this to avoid what appears to be a double punishment between the violation of probation and the violation of parole. It is important for you to understand that this order in no way eliminates the Board of Parole sentence, and you will have to serve that sentence of 2 years, 4 months and

21 days as ordered. In essence, what the Court has done is reduce the violation of probation sentence and when that reduction is combined with the Board of Parole sentence, your total sentence becomes six years.

Sincerely yours,



Judge William C. Carpenter, Jr.

WCCjr:twp

cc: Prothonotary

I/M Harry J. Smith  
SBI# 154166 UNIT D-W  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

TO Office of the Clerk,  
United States District Ct.  
844 N. King Street, Lockerbox 18  
Wilmington Delaware  
19801-3570

